

AMENDED IN ASSEMBLY JULY 16, 2015

AMENDED IN ASSEMBLY JUNE 19, 2015

AMENDED IN ASSEMBLY JUNE 9, 2015

AMENDED IN SENATE APRIL 23, 2015

SENATE BILL

No. 456

Introduced by Senator Block

February 25, 2015

An act to add Section 422.3 to the Penal Code, relating to criminal threats.

LEGISLATIVE COUNSEL'S DIGEST

SB 456, as amended, Block. Criminal threats: discharge of a firearm.

Existing law requires a person who willfully threatens to commit a crime that will result in death or great bodily injury to another person, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, and thereby causes that other person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, to be punished by imprisonment in a county jail not to exceed one year, or by imprisonment in the state prison.

This bill would make a person who willfully threatens, by specified means, to discharge a firearm on the campus of a school, as defined, or location where a school-sponsored event is or will be taking ~~place~~, *place and the threat is related both to the school-sponsored event and to the time period in which the school-sponsored event will be taking place*, with specific intent and under circumstances that convey a gravity of purpose and an immediate prospect of execution of the threat, guilty of

a misdemeanor or felony punishable by imprisonment in a county jail for a specified term.

By creating a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 422.3 is added to the Penal Code, to read:
2 422.3. (a) A person who willfully threatens to discharge a
3 firearm, which will result in death or great bodily ~~injury~~, *injury to*
4 ~~another person~~, on the campus of a school, or location where a
5 school-sponsored event is or will be taking ~~place~~, *place and the*
6 ~~threat is related both to the school-sponsored event and to the time~~
7 ~~period in which the school-sponsored event will be taking place,~~
8 with the specific intent that the statement is to be taken as a threat,
9 even if there is no intent of carrying it out, and where the threat,
10 on its face and under the circumstances in which it is made, is so
11 unequivocal, unconditional, immediate, and specific as to convey
12 a gravity of purpose and an immediate prospect of execution of
13 the threat, shall be punished by imprisonment in a county jail for
14 a period not exceeding one year, or by imprisonment pursuant to
15 subdivision (h) of Section 1170.
16 (b) A threat to discharge a firearm described in subdivision (a)
17 includes a threat that is communicated orally, in writing, by means
18 of an electronic communication device, including, but not limited
19 to, a telephone, cellular telephone, computer, video recorder, fax
20 machine, text message, and social media, and by any other means.
21 (c) For purposes of this section, “school” means a state
22 preschool, private or public elementary school, middle school,
23 vocational school, junior high school, high school, community
24 college, or public or private university.

1 (d) This section does not preclude or prohibit prosecution under
2 any other ~~law~~. *law, except that a person shall not be convicted for*
3 *the same threat under both this section and Section 422.*

4 SEC. 2. No reimbursement is required by this act pursuant to
5 Section 6 of Article XIII B of the California Constitution because
6 the only costs that may be incurred by a local agency or school
7 district will be incurred because this act creates a new crime or
8 infraction, eliminates a crime or infraction, or changes the penalty
9 for a crime or infraction, within the meaning of Section 17556 of
10 the Government Code, or changes the definition of a crime within
11 the meaning of Section 6 of Article XIII B of the California
12 Constitution.